

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HARRY H. KUTNER, JR., individually and on  
behalf of all similarly situated Nassau County  
residents eligible to bear arms,

Plaintiffs,

ORDER TO SHOW CAUSE

- against -

COUNTY OF NASSAU, and

CV # 22-07580

BRUCE A. BLAKEMAN, personally and in his  
official capacity as Nassau County Executive, and

AZRACK, J.

PATRICK J. RYDER, personally and in his official  
capacity as Nassau County Police Commissioner,

LINDSAY, M.J.

Defendants,  
-----X

UPON READING AND FILING the within order to show cause,  
and the affirmation of HARRY H. KUTNER, JR., ESQ. dated the 10<sup>th</sup> day of  
January, 2023, and upon the Summons, Complaint, and Memorandum of  
Law,

LET the defendants, COUNTY OF NASSAU, BRUCE A.  
BLAKEMAN, and PATRICK J. RYDER, all show cause before the U.S. District  
Judge presiding, at the courthouse thereof located at 100 Federal Plaza,  
Central Islip, New York 11722, on the      day of February, 2023, at      o'clock  
in the fore/postnoon of that day or as soon thereafter as counsel may be  
heard, why an order should not be entered:

1. pursuant to FRCP 65 based on U.S. Constitution, Amendment II, and USC §§ 1981, 1983, and 1985, for a TRO-Preliminary Injunction ordering defendants to issue a "Full Carry" unrestricted pistol license to plaintiff, HARRY H. KUTNER, JR., on the ground that it is constitutionally required and necessary for plaintiff's personal safety due to his age, the nature of his law practice, and his pressing need for the license pending the prosecution of this action, which due to its Constitutional basis, class action procedure, and widespread effect, is likely to be protracted; and

2. pursuant to FRCP 65 based on U.S. Constitution, Amendments I, II, and IV, and 42 USC §§ 1981, 1983, and 1985, for a TRO-Preliminary Injunction barring defendants from requiring license applicants from having to:

- A. submit to a urinalysis;
- B. provide Social Media accounts and passwords therefor;
- C. provide character reference affidavits from a restricted pool of individuals;
- D. provide lifetime DMV history;

3. for any such other and further relief which is just, equitable, and proper.

SUFFICIENT REASON APPEARING THEREFOR from the papers in support of this order to show cause, it is

ORDERED, that defendants, COUNTY OF NASSAU, BLAKEMAN, and RYDER, and their attorneys, agents, subordinates, employees, and anyone acting on their behalf or at their behest, are all hereby stayed, pending the determination of this motion brought by Order to Show Cause, from taking any action with respect to plaintiff, HARRY H. KUTNER, JR.'s pistol license, such as such as suspension, revocation, restriction, or other diminution, excepting re-issuance of it as a "full carry" pistol license; and it is further

ORDERED, that service copies of the within Order to Show Cause together with the papers upon which it was granted, be made on or before February , 2023 at 5:00 p.m., upon the defendants by Email or personal delivery to the HON. THOMAS A. ADAMS, Nassau County Attorney, at his office located at One West Street, Mineola, New York 11501.

E N T E R,

HON. JOAN M. AZRACK  
U.S. District Judge

HARRY H. KUTNER, JR.  
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